

REGULATION OF CERTAIN GUARDIANSHIP PROGRAMS

CHAPTER 715

S.B. No. 36

AN ACT

relating to the regulation of certain guardianship programs.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter H, Chapter 1104, Estates Code, is amended by adding Section 1104.359 to read as follows:

Sec. 1104.359. EFFECT OF LACK OF REQUIRED REGISTRATION. (a) A guardianship program may not be appointed guardian:

(1) if the program is not registered as required under Subchapter D, Chapter 155, Government Code;

(2) if a registration certificate issued to the program under Subchapter D, Chapter 155, Government Code, is expired or refused renewal, or has been revoked and not been reissued; or

(3) during the time a registration certificate issued to the program under Subchapter D, Chapter 155, Government Code, is suspended.

(b) This section does not prevent the appointment, on the individual's own behalf, of an individual who is employed by or contracts with a guardianship program to provide guardianship and related services independently of the program.

SECTION 2. Section 155.101(a), Government Code, is amended to read as follows:

(a) The commission shall adopt minimum standards for:

(1) the provision of guardianship services or other similar but less restrictive types of assistance or services by:

(A) *individuals employed by or contracting with guardianship programs to provide the assistance or services on behalf of the programs; and*

(B) private professional guardians; and

(2) the provision of guardianship services by the Department of Aging and Disability Services or its successor agency.

SECTION 3. Section 155.102, Government Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) An individual who directly supervises an individual who will provide guardianship services in this state to a ward of a guardianship program must hold a certificate issued under this section.

SECTION 4. Subchapter C, Chapter 155, Government Code, is amended by adding Section 155.106 to read as follows:

Sec. 155.106. PROHIBITED EMPLOYMENT. A guardianship program may not employ an individual to provide, or directly supervise the provision of, guardianship and related services on the program's behalf:

(1) if a certificate issued to the individual under this subchapter is expired or refused renewal, or has been revoked and not been reissued; or

(2) during the time a certificate issued to the individual under this subchapter is suspended.

SECTION 5. Chapter 155, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REGULATION OF GUARDIANSHIP PROGRAMS

Sec. 155.151. APPLICATION OF SUBCHAPTER. This subchapter does not apply to guardianship and related services provided by a guardianship program under a contract

with the Health and Human Services Commission.

Sec. 155.152. STANDARDS FOR OPERATION OF GUARDIANSHIP PROGRAMS.

(a) *The commission, in consultation with the Health and Human Services Commission and other interested parties, shall adopt minimum standards for the operation of guardianship programs.*

(b) *The commission shall design the standards to monitor and ensure the quality of guardianship and related services provided by guardianship programs.*

(c) *Standards adopted under this section must be designed to ensure continued compliance by a guardianship program with this chapter and other applicable state law.*

Sec. 155.153. REGISTRATION REQUIRED FOR GUARDIANSHIP PROGRAMS.

(a) *A guardianship program may not provide guardianship and related services to an incapacitated person or other person described by Section 155.001(4) unless the program is registered with and holds a certificate of registration issued by the commission under this subchapter.*

(b) *The supreme court shall adopt rules and procedures for issuing, renewing, suspending, or revoking a registration certificate under this section. Rules adopted by the supreme court under this section must:*

(1) *ensure compliance with the standards adopted under Section 155.152;*

(2) *provide that the commission establish qualifications for obtaining and maintaining a registration certificate;*

(3) *provide that a registration certificate expires on the second anniversary of the date the certificate is issued;*

(4) *prescribe procedures for accepting complaints and conducting investigations of alleged violations by guardianship programs of the standards adopted under Section 155.152 or other violations of this chapter or other applicable state law;*

(5) *prescribe procedures by which the commission, after notice and hearing, may suspend or revoke the registration certificate of a guardianship program that does not substantially comply with the standards adopted under Section 155.152 or other provisions of this chapter or other applicable state law; and*

(6) *prescribe procedures for addressing a guardianship for which a guardianship program is the appointed guardian if the guardianship program's registration certificate is expired or refused renewal, or has been revoked and not been reissued.*

Sec. 155.154. REGISTRATION DATABASE. (a) *The commission shall make available on the commission's Internet website a publicly accessible list of all registered guardianship programs. The list must contain the following for each guardianship program:*

(1) *the information provided under Section 155.105(a); and*

(2) *whether the guardianship program holds in good standing a registration certificate under this subchapter.*

(b) *The commission shall update the list described by Subsection (a) at least quarterly.*

SECTION 6. (a) As soon as practicable after the effective date of this Act, the Judicial Branch Certification Commission and the Supreme Court of Texas shall adopt the standards and rules, respectively, necessary to implement Subchapter D, Chapter 155, Government Code, as added by this Act.

(b) A guardianship program is not required to hold a registration certificate issued under Section 155.153, Government Code, as added by this Act, until September 1, 2018.

(c) An individual described by Section 155.102(a-1), Government Code, as added by this Act, is not required to hold a certificate issued under that section until September 1, 2018.

SECTION 7. This Act takes effect September 1, 2017.

Passed the Senate on March 8, 2017: Yeas 31, Nays 0; the Senate concurred in House

amendment on May 25, 2017: Yeas 30, Nays 1; passed the House, with amendment, on May 22, 2017: Yeas 126, Nays 16, three present not voting.

Approved June 12, 2017.

Effective September 1, 2017.

**CERTAIN PURCHASING BY STATE AGENCIES AND LOCAL
GOVERNMENTS**

CHAPTER 716

S.B. No. 262

AN ACT

relating to certain purchasing by state agencies and local governments.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 2157.068, Government Code, is amended by adding Subsection (k) to read as follows:

(k) The department, in cooperation with state agencies, shall, with respect to the purchase of commodity items included in the list maintained under Subsection (e):

(1) periodically assess the risk to this state in the purchase of those commodity items; and

(2) based on that risk assessment and as the department considers necessary to ensure accuracy, monitor and verify the purchase transaction reports of the monthly sales of those commodity items submitted by vendors in accordance with department requirements.

SECTION 2. Section 2155.504(a), Government Code, is amended to read as follows:

(a) Except as provided by this subsection, a [A] state agency or local government may purchase goods or services directly from a vendor under a contract listed on a schedule developed under this subchapter. A state agency or local government contracting for the purchase of an automated information system under a contract listed on a schedule developed under this subchapter shall comply with Section 2157.068(e-1). A purchase authorized by this section satisfies any requirement of state law relating to competitive bids or proposals [and satisfies any applicable requirements of Chapter 2157].

SECTION 3. The changes in law made by this Act apply only in relation to a contract:

(1) for which a state agency or local government first advertises or otherwise solicits bids, proposals, offers, or qualifications on or after the effective date of this Act;

(2) that is extended on or after the effective date of this Act; or

(3) for which a change order is submitted on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2017.

Passed the Senate on May 4, 2017: Yeas 31, Nays 0; the Senate concurred in House amendment on May 26, 2017: Yeas 31, Nays 0; passed the House, with amendment, on May 24, 2017: Yeas 146, Nays 0, one present not voting.

Approved June 12, 2017.

Effective September 1, 2017.